

EXHIBIT H

EXHIBIT H

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UNITED STATES DISTRICT COURT
IN AND FOR THE DISTRICT OF NEVADA

LUCERO SANCHEZ,)
Plaintiff,)
vs.) Case No.: 3:21-cv-00352-MMD-WGC
RENOWN HEALTH, a Nevada Non-Profit)
Corporation, and DOES 1-20, inclusive,)
Defendant.)
_____)

RECORDED DEPOSITION OF SUZANNE OETJEN

Taken on September 12, 2022

At 9:36 a.m.

750 Sandhill Road, Suite 120

Reno, Nevada 89521

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1 Q. Okay. Do you recall who made a complaint
2 about Ms. Vargas?

3 A. I don't recall who.

4 Q. No. Okay. Do you recall what the complaint
5 was about?

6 A. I recall that they've felt that Christina was
7 unkind and just not a very nice leader.

8 Q. Okay. So that was the first complaint you
9 received about her?

10 MS. KETNER: Object to -- object to form.

11 THE WITNESS: I -- I can't recall. That's
12 what I remember.

13 BY MR. BUSBY:

14 Q. Okay. Did you ever receive any complaints
15 about Ms. Vargas from my client?

16 MS. KETNER: Object to form.

17 THE WITNESS: Yes. I received a concern from
18 your client about Ms. Vargas.

19 BY MR. BUSBY:

20 Q. Do you recall approximately when you received
21 that?

22 A. It was about 2015, I believe.

23 Q. Do you recall what the substance of her
24 complaint was?

25 MS. KETNER: Object to form.

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1 THE WITNESS: She was concerned because we
2 had to terminate a leader at South Meadows and
3 Christina was working to get the situation under
4 control at South Meadows following the leader's
5 departure, and she felt that she was not kind to Lucero
6 in her interactions.

7 BY MR. BUSBY:

8 Q. Do you recall the specific facts my client
9 conveyed to you about the complaint?

10 A. From what I can recall, she was concerned
11 about how she requested her keys to the office.

12 Q. Okay. Did -- do you recall whether my client
13 described any physical contact between Ms. Vargas and
14 my client?

15 A. I believe she said something about pointing
16 to her hand about her getting the keys back.

17 Q. Okay. Did my client convey to you that she
18 felt intimidated by Ms. Vargas?

19 A. I believe she -- she's -- I don't know if she
20 used the word intimidated, but that she did not feel
21 how she interacted with her was appropriate.

22 Q. So it was -- is it fair to say it was your
23 impression that my client conveyed to you in some
24 manner that she felt intimidated by Ms. Vargas?

25 A. I believe so, yes.

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1 it states that after reporting the incident to Jessi

2 Russell, Ms. West reported it to you?

3 A. Yes.

4 Q. Do you recall that she did that?

5 A. No, I don't recall that.

6 Q. Okay. Did you ever discuss any issues with

7 Kathy West about Christina Vargas?

8 A. I don't recall specifically ever talking to

9 Kathy.

10 Q. Okay. So what did you do in response to my

11 client's complaint about Ms. Vargas with the key

12 incident at hand?

13 MS. KETNER: Object to form.

14 THE WITNESS: So it was a very complicated

15 situation. Upon her mom's departure, we did need the

16 keys to the office and so I asked that Lucero provide

17 Christina Vargas keys to the office so that we could

18 continue operations and Food Nutrition Services. I

19 did, from my recollection, did follow up with Christina

20 regarding how she -- how her behavior made Lucero feel

21 and -- and she -- and asked that she maintain

22 professional behaviors toward her employees.

23 BY MR. BUSBY:

24 Q. Okay. Did you create a written record of

25 Lucero's complaint?

1 made these complaints against Ms. Vargas?

2 MS. KETNER: Object to form.

3 THE WITNESS: They -- I had some concerns
4 escalated to me from clinical dieticians and then what
5 we now call Food Service Workers or some of the
6 frontline employees.

7 BY MR. BUSBY:

8 Q. How would clinical dietician work with Ms.
9 Vargas?

10 A. She oversaw the full department, so our
11 dietician would report through her.

12 Q. Okay. So if Ms. Vargas oversaw the FNS
13 Department as well as this other department?

14 A. Yes.

15 Q. Right? Okay. Okay, did these two
16 departments interact?

17 A. Yes.

18 Q. Okay.

19 A. Frequently.

20 Q. So the dietician would request meals, I
21 assume, for patients from the FNS Department.

22 A. Yes.

23 Q. The FNS Department would prepare them.

24 A. Yes.

25 Q. So all right, do you recall the nature of the

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1 complaints that were made against Ms. Vargas by the
2 dieticians?

3 MS. KETNER: Object to form.

4 THE WITNESS: The complaints were that she
5 was not a nice boss. She was mean. She did not treat
6 them nicely.

7 BY MR. BUSBY:

8 Q. Did you ever receive any complaints of any
9 sort where there was any indication that there was a
10 racial component to any of the complaints made against
11 Ms. Vargas?

12 A. Not that I can recall, no.

13 Q. Okay. All right, do you have a centralized
14 file, investigatory file of all these incidents against
15 Ms. Vargas or are there multiple investigatory files?

16 A. In this case, I did a centralized file on Ms.
17 Vargas.

18 Q. Okay. Does Renown still have that file?

19 A. I believe so, yes.

20 Q. Okay. All right. Do you recall when or if
21 Renown started to do the investigation that eventually
22 led to Ms. Vargas' leaving Renown?

23 A. I'm sorry, can you say that question one more
24 time?

25 Q. Yeah, it's kind of complicated. So it sounds

1 like there were multiple investigations into
2 allegations against Ms. Vargas that, you know, she was
3 behaving in some way that was inappropriate at Renown,
4 right? Okay. And, eventually, there was an
5 investigation that led to Ms. Vargas leaving Renown,
6 right?

7 A. Yes.

8 Q. I'm wondering if there were multiple
9 investigations or a single investigation that led to
10 her leaving Renown?

11 A. The investigations built upon the
12 determination of Ms. Vargas leaving Renown. So we had,
13 like I said before, complaints about her and they
14 continued. So we did not see a change in her behavior
15 despite addressing the concerns, which led to her
16 termination.

17 Q. Okay. Did you ever discuss Ms. Vargas'
18 conduct with Herman Pineda?

19 A. No.

20 Q. Do you know who that is?

21 A. I do.

22 Q. Okay. Can you describe just who he is
23 briefly?

24 A. He was the former supervisor at South
25 Meadows.

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1 Q. Okay. And he worked under Ms. Vargas as
2 well, right?

3 A. He worked for Kathy West --

4 Q. Okay.

5 A. -- was my recollection.

6 Q. Okay. So we'll get back to this, but I want
7 to discuss some stuff related to my client's ADA claim,
8 against Renown before.

9 A. Okay. Okay.

10 Q. All right. Can you tell me what your
11 knowledge is of what the FNS coordinator did at Renown?

12 A. The position was a combination role, so it
13 did some cashiering as well as setting up catering
14 events at the location.

15 Q. Okay. Did the FNS coordinator have a
16 personal office?

17 A. I believe it was either her personal office
18 or she may have shared it. I'm not sure, but there was
19 an office space for the FNS position.

20 Q. And I just want to be fair in that. How
21 familiar were -- were you with the various positions
22 that existed within the FNS Department Renown?

23 A. I'm familiar enough. I interacted with them,
24 so.

25 Q. Okay. All right. So would a FNS coordinator

1 generate financial reports?

2 A. I believe there was some reporting done,
3 reconciling the spend for the catering events at the
4 location.

5 Q. Okay. Would they coordinate events?

6 A. Yes.

7 Q. Would they handle cash?

8 A. Yes.

9 Q. They have access to a safe?

10 A. Yes.

11 Q. Okay. Would they make daily bank deposits?

12 A. I don't know if it was daily. I do believe
13 they made bank deposits.

14 Q. Okay. Do you think it's fair to describe the
15 FNS coordinator position as having certain attributes
16 of that were managerial?

17 A. I don't know if I would call it managerial,
18 no. Administrative, yes.

19 Q. Okay. Administrative, I mean, would you --
20 would it be fair to describe it as mostly a desk job?

21 A. No, I wouldn't call it a desk job.

22 Q. Okay. Were they required to provide backup
23 if other people needed help?

24 A. Yes.

25 Q. At Department. Okay, was that their primary

1 job?

2 A. I think it would depend on how many catering
3 events there were in a given day would dictate how many
4 hours were spent doing what action.

5 Q. Okay. Do you know how long my client held
6 her position as FNS coordinator at Renown?

7 A. Several years. I'm not sure exact dates,
8 though.

9 Q. Okay. Are you familiar with the injury that
10 my client suffered to her knees on July 26, 2016?

11 A. I heard about the injury, yes.

12 Q. Okay. Who told you about it?

13 A. I believe our Workers' Comp Department may
14 have.

15 Q. Okay. I -- I'm sorry, I realized this is
16 stuff that happened months ago.

17 A. Thank you.

18 Q. Your workers' comp department, would that
19 have been Shawn Lavac?

20 A. Yes.

21 Q. Okay. Were you -- so when someone got
22 injured, say an FNS employee at Renown, what was your
23 role in coordinating comp issues or employment issues
24 or anything that -- that goes as a result of that?

25 A. Only if they were in the areas that I helped

1 Q. That was somebody else?

2 A. Yes.

3 Q. Okay. All right, so when my client got
4 injured in July 26, 2016, do you know who her direct
5 supervisor was?

6 A. What was the date again?

7 Q. July 26, 2016.

8 A. I believe it may have been Kristin Foley, but
9 I'm not 100 percent confident on that.

10 Q. Okay. And Kristin Foley worked under
11 Christina Vargas. Is that right?

12 A. I believe so, yes.

13 Q. Okay. Are you aware of whether Kristin Foley
14 ever told my client that she wouldn't comply with any
15 restrictions imposed by my client's doctor?

16 A. No, I'm not aware of that.

17 Q. Okay. You've never been made aware of that
18 allegation?

19 A. No.

20 Q. Okay. Are you aware of any accommodations
21 that were provided to my client as a result of her
22 injuries?

23 A. I am aware that there was a stool placed by
24 the cashiering area.

25 Q. Okay. All right. Are you aware that my

1 client's status at Renown changed as of December 29,

2 2016?

3 A. Yes.

4 Q. Okay. What do you recall about that status
5 change?

6 A. For what I can recall, it was a review of the
7 positions within Food Nutrition Services, and there
8 were not as many catering events that had been
9 occurring at the time, so the decision was made to
10 eliminate the FNS coordinator role at the time.

11 Q. Okay. Who made that decision?

12 A. It would have been the leadership of Food
13 Nutrition Services that would have made the decision of
14 the position not made -- being needed anymore.

15 Q. Okay. I'd like to show you -- mark this as
16 Exhibit 2 and show you this. And if you can place --
17 actually, took this from your exhibits from the other
18 deposition, just mark over that. All right, and if you
19 could just take a minute to review this? Tell me when
20 you're ready.

21 A. I'm familiar with this form.

22 Q. Okay. You've seen this before?

23 A. I've -- I'm familiar with the form.

24 Q. Okay.

25 A. Yes.

1 A. We wouldn't have had input, but typically
2 when there's a change in compensation, the HR business
3 partner completes the form just to be sure that
4 everything is accurate.

5 Q. Okay. Do you see where it says approval
6 levels?

7 A. Yes.

8 Q. At the bottom? Did you approve this change?

9 A. It was an automatic route because Jessi is my
10 -- was my direct subordinate at the time. It would
11 have routed up to me automatically.

12 Q. Okay. So do you recall reviewing those?

13 A. I recall reviewing the form, yes.

14 Q. Okay. And do you see there under Job
15 Information where it says previous FNS coordinator?

16 A. Yes.

17 Q. And the wage is \$16.95, correct?

18 A. Yes.

19 Q. And the new position is FNS services cashier,
20 and the new wage is \$14.48. Is that correct?

21 A. Yes.

22 Q. Okay. Okay. Okay. Are you aware the
23 substance of the job change indicated in Exhibit 2?

24 A. My understanding was that the number of
25 catering items in South Meadows was down to barely any.

1 The administrative work was moved to a leadership role

2 and the -- the position we need filled was a cashier.

3 Q. So who was the administrative work moved to?

4 A. I don't know who specifically.

5 Q. Okay. Would that have been my client's
6 supervisor, Kristin Foley?

7 A. It could have been.

8 Q. Okay.

9 A. Most likely a leader.

10 Q. Okay. And do you think it would have been
11 Christina Vargas who made that decision to move that
12 work to Kristin Foley?

13 A. Yeah, either Christina Vargas or Justin Bart.

14 Q. Okay. But Justin Bart's name isn't on
15 exhibits here, right?

16 A. No, it wasn't.

17 Q. How do you know that Justin Bart was involved
18 in that decision?

19 A. Because he was in charge of the kitchen at
20 the time.

21 Q. Okay. So Justin Bart worked under Christina
22 Vargas?

23 A. Yes.

24 Q. Okay. But he wasn't -- Justin Bart wasn't my
25 client's direct supervisor, correct?

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1 A. Not that I can recall, no.

2 Q. So if he's overseeing the kitchen, I mean,
3 typically in restaurants, there's kind of a front-end,
4 back-end thing, right?

5 A. Uh-huh.

6 Q. Okay.

7 A. Because Justin had been there. He's been
8 there longer than I have as well. He was very involved
9 in all the operations of Food Nutrition Services at
10 both facilities or all facilities.

11 Q. Okay. Okay, but the buck stopped at
12 Christina Vargas?

13 A. She was the director, yes.

14 Q. Okay. All right. Did it concern you at all
15 that my client was suffering a pay cut or was -- I
16 don't want to say suffering -- that this indicated that
17 her -- her pay would be cut? Do you recall thinking
18 about that when this happened?

19 A. It always -- whenever we have to change
20 someone's pay, I -- I take that into consideration,
21 yes. I don't take that lightly.

22 Q. Do you recall discussing the issue with
23 anybody?

24 A. I recall discussing it with Jessi Cohen, yes.

25 Q. Okay. All right. Were you aware at the time

1 that whether my client had any injuries when this
2 occurred?

3 A. I did not associate the -- the change in her
4 position to her workplace injury.

5 Q. Okay. Were you seeing her day-to-day during
6 that time period?

7 A. No.

8 Q. Okay. Did you work at Renown South Meadows?

9 A. No. My office was at Regional.

10 Q. Okay. So you didn't go into the cafe and eat
11 and see her --

12 A. On occasion, yeah. On occasion.

13 Q. You would, too?

14 A. Yeah.

15 Q. Oh, okay. How -- how often?

16 A. Once a month maybe I would be down at South
17 Meadows.

18 Q. Okay. So not -- not like on a weekly basis?

19 A. No.

20 Q. Do you re -- I mean, this is a long time ago.

21 Do you recall seeing my client wearing brace or
22 anything like that during that time period?

23 A. No, I don't recall. No.

24 Q. Okay. So you wouldn't be in a position where
25 you were observing her work?

1 department?

2 A. Just down the hall.

3 Q. Okay. So do you see there on the second
4 paragraph of the August 28, 2017 e-mail where it says
5 it was unanimous, everyone stated ethically, especially
6 on an open work comp case, we should not have reduced
7 her pay and changed her job with no options to keep her
8 back pay -- to keep her pay, I'm sorry. So this
9 indicates that she wasn't provided with any options to
10 having her status changed, is that right?

11 A. That's how I read this, yes.

12 Q. And do you have any knowledge as to whether
13 or not that's true?

14 A. No.

15 Q. Okay. What did you do in response to the
16 concerns that were raised in this e-mail?

17 A. So we educated ourselves related to the
18 workers' comp issue. I'm not a workers' comp
19 professional, so I'm not familiar with it. We had
20 notified workers' comp at the time we made the change.
21 My understanding was our workers' comp department
22 became familiar with a regulation of something around
23 workers' choice and so we just -- we compensated Luce
24 with back pay.

25 Q. Okay. So did you compensate her from the

1 date of the change in her status as indicated in

2 Exhibit 2?

3 A. We would have followed whatever the statute
4 required us to do.

5 Q. Okay. Did you change her pay back to what it
6 was prior to the status change?

7 A. I believe we paid her at \$16.95 for the
8 period of time that we needed to change her pay. I'm
9 not sure of the specifics.

10 Q. Are you aware of whether or not on a going
11 forward basis after the back pay was provided, whether
12 she was -- her -- her wage was changed or was it still
13 reduced?

14 A. I -- my understanding is that she actually
15 transferred into a job that accommodated the \$16.95
16 pay.

17 Q. Okay. Is that the unit clerk position?

18 A. Yes. Yes.

19 Q. Okay. Do you -- do you recall exactly when
20 that occurred?

21 A. I don't. It was right around the time.

22 Q. Does January 2018 sound --

23 A. Sounds about right.

24 Q. -- about that time period?

25 A. Yeah.

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1 Q. Okay. So that would have been a couple
2 months after this e-mail exchange occurred in August --

3 A. Yes.

4 Q. -- of 2017, correct?

5 A. Uh-huh.

6 Q. Okay. All right. So why did you provide her
7 with back pay?

8 A. Because we were educated on the
9 recommendation from workers' choice or workers' comp,
10 excuse me, and compensated her.

11 Q. Was it your understanding that Renown had
12 violated the ADA by reducing your pay and changing your
13 position while the workers' comp case -- case was open?

14 MS. KETNER: Object to form.

15 THE WITNESS: That was not my understanding,
16 no.

17 BY MR. BUSBY:

18 Q. Okay. So what rule did you believe Renown
19 had violated that prompted you to provide my client
20 with back pay?

21 A. My understanding it was a workers' comp
22 issue.

23 Q. Okay. Do you see above in the first
24 paragraph of the August 28, 2017 e-mail?

25 A. Yes.

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1 Q. Okay. Did you describe her as behaving this
2 way?

3 A. I don't know if I used those terms, but I do
4 recall indicating that she was mean to her employees.

5 Q. So it says also, "Multiple witnesses from FNS
6 staff level confirmed that vocal outbursts, use of
7 unprofessional and/or condescending language by Ms.
8 Vargas was common." So FNS staff level, that wouldn't
9 have been you obviously?

10 A. Correct.

11 Q. Okay. Do you recall reports from FNS staff
12 that reported to you that she, Ms. Vargas, engaged in
13 vocal outbursts, the use of unprofessional and/or
14 condescending language?

15 A. I recall talking to the dietitian
16 specifically regarding the condescending language.

17 Q. Do you recall the nature of the vocal
18 outbursts described here?

19 A. I do not recall.

20 Q. Do you recall the nature of the
21 unprofessional and/or condescending language?

22 A. I just remember, in general, people did not
23 like her and she was just not a nice leader.

24 Q. So you don't recall anything specific that --

25 A. I remember there was offensive behavior or

1 you what you and Ms. Ketner or any other attorney
2 talked about. Just asking if you participated in that
3 process.

4 A. Just through the statement.

5 Q. Just this?

6 A. That I can recall. I remember I would have
7 reviewed my statement, obviously, if it was being used
8 to reply to the Nevada Equal Rights Commission.

9 Q. Okay. Did you ever review a NERC file or
10 anything like that?

11 A. I don't remember.

12 Q. Written statements that were provided to NERC
13 or anything?

14 A. I don't remember.

15 Q. Okay. Okay. So do you see on the top of
16 page three there where there's a discussion of my
17 client's pay change?

18 A. Yes.

19 Q. There's a discussion there in paragraph three
20 of a search of her vehicle.

21 A. Yes.

22 Q. My client's vehicle. Okay.

23 A. Uh-huh.

24 Q. Can you describe the facts and circumstances
25 surrounding that search in so far as you -- you know,

1 **what happened?**

2 A. From my memory, the aforementioned Herman
3 Pineda had been recently terminated from employment
4 based on his behavior toward his staff as well as a
5 concern of theft of food items from our organization.
6 There was -- we became aware of Herman being seen on
7 campus entering this vehicle that was parked in front
8 of the -- the area in front of South Meadows, there's a
9 parking space area for patients and visitors.

10 **Q. Okay.**

11 A. And so security director was notified as was
12 I. I happened to be down at South Meadows at the time.
13 There was a keep on the lookout for Herman because of
14 the concern of his theft. And so when he was seen on
15 campus entering this vehicle, we, through our Security
16 Department identified it as Ms. Sanchez's, and so we
17 did ask to look in the vehicle, which she consented,
18 and we did not find anything of concern.

19 **Q. Okay. Did she object to the search of her**
20 **vehicle?**

21 A. No.

22 **Q. Okay. Did she indicate that she felt**
23 **uncomfortable with her vehicle being searched?**

24 A. She was worried that somebody was in her
25 vehicle, yes. Or there was --

1 Q. She was worried someone was in it?

2 A. So that there was -- Herman had been seen
3 there and there was concern that there's somebody close
4 by her vehicle.

5 Q. At the time of the search, did you inform her
6 or are you aware whether she was informed that there
7 was this allegation that Mr. Pineda had been putting
8 stuff in her car?

9 A. I don't recall how we communicated to her,
10 but we did indicate that there was a concern that
11 something may be in her vehicle and that we wanted to
12 search it based on the situation related to Herman.

13 Q. Do you recall who reported that Mr. Pineda --

14 A. I don't.

15 Q. -- was on campus?

16 A. I don't. I -- I do recall being notified by
17 Ryan Clarke, who was our Director of Security.

18 Q. Okay. Ryan Clarke. Okay. So it wasn't
19 someone that had anything to do with the FNS department
20 who was reporting that they had seen Mr. Pineda?

21 A. My understanding, it came through security.

22 Q. And they kind of were on the lookout for Mr.
23 Pineda.

24 A. Yes.

25 Q. Okay. Did Renown ever report to the police

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1 CERTIFICATE OF RECORDER

2 STATE OF NEVADA)

3)

4)

5

6 NAME OF CASE: LUCERO SANCHEZ, PLAINTIFF VS

7 RENOWN HEALTH, DEFENDANT

8

9 I, Rachael Brown, a duly commissioned Notary Public,
10 authorized to administer oaths or affirmations in the State of
11 Nevada, do hereby certify: That I recorded the foregoing
12 deposition of the witness, Suzanne Oetjen on September 12, 2022.

13 That prior to being examined, the witness was duly sworn to
14 testify to the truth. That deposition was recorded via audio and
15 video pursuant to NRCP30(b)(3) and said deposition recording is a
16 complete, true, and accurate recording of deposition testimony.
17 A transcript was created by E-Depositions LLC to aid the audio video
18 recording. A review of the deposition [] was [X] was not
19 requested by the deponent and [] was [X] was not requested by a
20 party of the action. If a review was requested, any changes
21 communicated to me by the deponent during the period allowed are
22 appended hereto.

23 I further certify that I am not a relative or employee of
24 an attorney or counsel of any of the parties, nor a relative or
25 employee of an attorney or counsel involved in said action, nor

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1 a person financially interested in the action.

2 IN WITNESS WHEREOF, I have hereunto set my hand in the City
3 of Reno.

4

5



6

7 Rachael Brown

8 Notary Public

9 Appointment No. 22-1620-02

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